

Statement by County Councilmember Phil Andrews regarding ZTA 12-07 (Gas Stations)

Given the trend toward much larger gas stations with significantly larger traffic and air pollution impacts than traditionally sized stations, the timely issue presented by ZTA 12-07 is whether there should be a minimum buffer of distance between any new large gas station in the County and sensitive land uses, such as schools and outdoor recreation facilities, and, if so, what that minimum buffer should be. Although it is understandable that many of the proponents and opponents of the ZTA have focused on how it would or could affect the proposed Costco gas station in Wheaton, the Council should not decide the issue on how it might affect any one site, since the ZTA would apply to all new large gas stations regulated by the County.

I have long been concerned about both indoor and outdoor air pollution. As a former chair of the Washington Metropolitan Council of Government's Technical Sub-Committee on Air Quality, I am well aware that the region is a non-attainment area for air quality. I championed and was the lead sponsor of the region's first Smoke-free Restaurant Law, which protects all people, especially those with breathing disabilities, from involuntary exposure to dangerous second-hand smoke.

I have spent many hours reviewing the extensive testimony from the public hearing on ZTA 12-07, which I attended. I also have had multiple meetings and discussions with proponents and opponents of the ZTA. I have come to these conclusions:

- 1) Large gas stations, defined (reasonably) in the ZTA as gas stations that are designed to dispense 3.6 million gallons of gas annually, generate significantly more traffic and air pollution than traditional small gas stations. As a result, new large gas stations should be regulated more strictly.
- 2) A minimum distance buffer between any new large gas station in the County and sensitive outdoor land uses has a rational basis based on air pollution generated by large gas stations, including idling cars, and its impacts on vulnerable populations, including children and people with breathing disabilities. The County should require a reasonable buffer through legislation, in addition to continuing to require applicants to go through the Special Exception process.
- 3) A very defensible minimum buffer to require between large new gas station and sensitive land uses is 300 feet. That is the 2005 recommendation of the California Air Resources Board. It is the current requirement in neighboring Prince George's County. It is what Planning Board staff recommended if the Council decided to adopt a minimum distance buffer, and it is what the chair of the Planning Board and one of its other members felt could be justified. It is somewhat less than the 400-foot requirement in Oakland, New Jersey – perhaps the Nation's most stringent minimum distance buffer for new gas stations. Requiring a minimum buffer of 300 feet for new large gas stations would not restrict the Board of Appeals from requiring a larger buffer if it determined it was necessary in a particular case.

- 4) The County Executive's legal arguments against the ZTA are wholly unpersuasive. The ZTA is clearly general legislation rather than "special" legislation since it would apply to any future large gas station in the County, and it is likely that there will be numerous additional large gas stations proposed given industry trends. The legislation is not discriminatory.

I support the Council requiring a minimum buffer of 300 feet between any new large gas station and sensitive land uses. Such a minimum buffer has a clear rational basis.